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THIRD DIVISION

[G.R. No. 207269; July 26, 2021]

ROSIE COLLANTES LAGUNDI, *Petitioner*, *v.* **PACITA BAUTISTA, substituted by her surviving children, LINA JUDITH C. BAUTISTA, EDITH C. BAUTISTA, and DAVID C. BAUTISTA, JR.,** *Respondents*.

D E C I S I O N

LEONEN, *J.*:

Where a party raised the issue of lack of jurisdiction over the subject matter after actively participating in the proceedings before the courts and only after an adverse judgment against them became final and executory, then that party invoking it is estopped by laches from doing so.

This Petition for Review on Certiorari[1] assails the November 15, 2012 Decision[2] and May 3, 2013 Resolution[3] of the Court of Appeals in CA-G.R. SP No. 114274, which affirmed the December 11, 2009 Order[4] and March 10, 2010 Order[5] of the Regional Trial

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[1] *Rollo*, pp. 12-22. Under Rule 45 of the Rules of Court.

[2] Id. at 114-126. The Decision in CA-G.R. SP No. 114274 dated November 15, 2012 was penned by Associate Justice Socorro B. Inting, and concurred in by Associate Justices Jose C. Reyes, Jr. (Chair, now a retired member of this Court) and Mario V. Lopez (now a member of this Court) of the Ninth Division of the Court of Appeals, Manila.

[3] Id. at 133-134. The Resolution in CA-G.R. SP No. 114274 dated May 03, 2013 was penned by Associate Justice Socorro B. Inting, and concurred in by Associate Justices Jose C. Reyes, Jr. (Chair, now a retired member of this Court) and Mario V. Lopez (now a member of this Court) of the Ninth Division of the Court of Appeals, Manila.

[4] Id. at 101-102. The Order in Civil Case No. Br. 20-909 dated December 11, 2009 was penned by Presiding Judge Reymundo L. Aumentado of the Regional Trial Court of Cauayan City, Isabela, Branch 20.

[5] Id. at 112. The Order in Civil Case No. Br. 20-909 dated March 10, 2010 was penned by Presiding Judge Reymundo L. Aumentado of the Regional Trial Court of Cauayan City, Isabela, Branch 20.

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Court of Cauayan City, Isabela, Branch 20 in Civil Case No. Br. 20-909.

On January 30, 1997, Pacita Bautista (Bautista), claiming to be the owner of parcels of land situated in Barangay Cabaruan, Municipality of Cauayan, Isabela, filed a Complaint for "Ownership, Possession and Damages with Prayer for Preliminary Mandatory Injunction and Temporary Restraining Order" before the Regional Trial Court of Cauayan City, Isabela, Branch 20, docketed as Civil Case No. Br. 20-909.[6] Rosie Collantes Lagundi (Lagundi) filed an Answer on June 10, 1997 and an Amended Answer with Counterclaim on November 12, 1997.[7]

On April 20, 1998, Bautista filed an Amended Complaint for "Ejectment, Quieting of Title and Damages with Prayer for Preliminary Mandatory Injunction and Temporary Restraining Order," to which Lagundi filed an Answer with Counterclaim on July 1, 1998.[8]

In a June 22, 2000 Order, the Regional Trial Court denied the motion for summary judgment filed by Bautista.[9]

However, in a January 30, 2001 Decision[10] the trial court granted the motion for reconsideration and rendered a summary judgment in favor of Bautista, ordering Lagundi to vacate the property. The trial court held that Lagundi's mere denial of Bautista's ownership over the subject property was sham, *pro forma*, and did not raise any genuine issue as to a material fact.[11]

In a January 16, 2007 Decision,[12] the Court of Appeals affirmed the trial court's decision granting the summary judgment.[13]

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[6] Id. at 115.

[7] Id.

[8] Id. at 116.

[9] Id.

[10] Id. at 78. The Decision in Civil Case No. Br. 20-909 dated January 20, 2001 was penned by Executive Judge Henedino P. Eduarte of the Regional Trial Court of Cauayan, Isabela, Branch 20.

[11] Id. at 76.

[12] Id. at 79-89.

[13] Id. at 88.

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In a July 16, 2007 Resolution,[14] this Court, through the First Division, denied Lagundi's petition for review on certiorari for being filed beyond the extended period. The Resolution became final and executory on March 4, 2008, and an Entry of Judgment was subsequently issued.[15]

On August 22, 2008, Bautista filed a Motion for the Issuance of a Writ of Execution,[16] which was granted by the Regional Trial Court in a December 11, 2009 Order:[17]

> **WHEREFORE**, finding the motion to be meritorious, the Court hereby GRANTS the motion.
>
> The office of the Clerk of Court, Cauayan City, Isabela is hereby Ordered to issue a Writ of Execution directing the Sheriff of this Court to implement the same.
>
> **SO ORDERED**.[18] (Emphasis in the original)

The Writ of Execution was issued on December 18, 2009.[19]

Lagundi filed a Motion for Reconsideration, which the trial court denied in a March 10, 2010 Order.[20] The trial court stated that the case already became final and executory and that the sheriff had already implemented the writ of execution as evidenced by the Sheriff's Return dated January 5, 2010. Lagundi also failed to show that she invoked her rights and exhausted the available legal remedies while the case was pending before this Court.[21]

In a November 15, 2012 Decision,[22] the Court of Appeals affirmed the Orders of the trial court upon finding that it did not

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[14] Id. at 90-91.

[15] Id. at 92.

[16] Id. at 93-94

[17] Id. at 101-102.

[18] Id. at 102.

[19] Id. at 117.

[20] Id. at 112.

[21] Id.

[22] Id. at 114-126.

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commit grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the assailed Orders.[23] The dispositive portion of the Court of Appeals Decision states:

> **WHEREFORE**, the Petition is **DISMISSED**. The assailed Orders dated December 11, 2009 and March 10, 2010 issued by the Regional Trial Court of Cauayan City, Isabela, Branch 20, in Civil Case No. Br. 20-909 hereby **STAND**.
>
> **SO ORDERED**.[24] (Emphasis in the original)

The Court of Appeals found Lagundi estopped by laches in assailing the trial court's jurisdiction, since she raised the lack of it at the late stage of the proceedings, during execution of judgment.[25] The Court of Appeals noted that Lagundi did not question the trial court's jurisdiction during the 10-year pendency of the case before the Regional Trial Court and Court of Appeals, and raised it only after the decision became final and executory. She actively participated in the lower court's proceedings by filing responsive pleadings, attending conferences, and appealing the adverse decisions against her.[26] The Court of Appeals held that Lagundi expressly recognized and invoked the jurisdiction of the trial court by filing a counterclaim.[27] Finally, it ruled that Lagundi was afforded due process and was given ample opportunity to answer both the original and amended complaints filed against her.[28]

In a May 3, 2013 Resolution,[29] the Court of Appeals denied Lagundi's motion for reconsideration.

On July 9, 2013, Lagundi filed a Petition for Review on Certiorari[30] before this Court.

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[23] Id. at 126.

[24] Id.

[25] Id. at 122.

[26] Id. at 122-123.

[27] Id. at 123.

[28] Id. at 125.

[29] Id. at 133-134.

[30] Id. at 12-22.

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In an October 15, 2014 Resolution,[31] Bautista was substituted by her surviving children namely: Lina Judith Bautista, Edith Bautista, and David Bautista, Jr.[32] They filed their Comment on the Petition on February 24, 2015.[33] Thereafter, petitioner filed a Reply on May 30, 2017.[34] In a July 26, 2017 Resolution,[35] this Court required the parties to submit their respective memoranda.

Petitioner claims that although the judgment sought to be executed attained finality, the Court of Appeals erred in affirming the execution by the trial court, because the judgment was void from the beginning for lack of jurisdiction.[36] Petitioner argues that Bautista filed a forcible entry case, which should have been filed with the Municipal Trial Court at the first instance, and not before the Regional Trial Court.[37] Petitioner insists that the execution of the decision would be unjust and inequitable, because of the prevailing situation of the parties.[38] Finally, petitioner argues that even assuming that the judgment is issued with jurisdiction, it would still be void for violating petitioner's right to due process as the motion for summary judgment was granted without petitioner being able to present evidence.[39]

On the other hand, respondent's heirs assert their right to defend their interests over the properties, having executed an Extra-Judicial Settlement of the Estate since respondent died.[40] They argue for the outright dismissal of the petition on the ground of res judicata, since the ownership of the subject property was

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[31] Id. at 151.

[32] Id.

[33] Id. at 155-159.

[34] Id. at 177-181.

[35] Id. at 183-184.

[36] Id. at 17.

[37] Id. at 17-18.

[38] Id. at 18-19.

[39] Id. at 19-20.

[40] Id. at 155-156.

settled and restored to respondent, through this Court's Resolution in G.R. No. 177574, *Rosie Collantes-Lagundi, et al. v. Pacita Bautista*, which became final and executory on March 4, 2008.[41]

In her Reply, petitioner reiterates her arguments in the Petition.[42]

In a June 8, 2018 Memorandum,[43] petitioner emphasizes that although the decision is final and executory, it cannot be executed since it was void for lack of jurisdiction.[44] Even assuming that the Regional Trial Court had jurisdiction, petitioner insists on its non-implementation to prevent injustice.[45]

In their November 14, 2017 Memorandum,[46] respondent's heirs argue that petitioner did not question the Regional Trial Court's jurisdiction in the Answer to the Amended Complaint, even until the case reached this Court. Only when the decision's execution was imminent that petitioner belatedly objected on the ground of lack of jurisdiction.[47] Nevertheless, respondent's heirs claim that the amended complaint was an action for quieting of title and possession, which was well within the jurisdiction of the Regional Trial Court.[48] As to petitioner's allegation of denial of due process, respondent's heirs contend that the records petitioner herself attached to the Petition reveal that she answered the complaint and amended complaint, and participated in every incident of the case before the courts.[49]

Respondent's heirs reiterate that the Petition is barred by the finality of the decision in G.R. No. 177574.[50] Finally, they claim

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[41] Id. at 156.

[42] Id. at 177-181.

[43] Id. at 231-239.

[44] Id. at 235.

[45] Id. at 237-238.

[46] Id. at 195-226.

[47] Id. at 218 and 220.

[48] Id. at 218.

[49] Id. at 221.

[50] Id. at 223.

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that the implementation of the writ of execution rendered the present case moot and academic.[51]

The only issue for resolution is whether or not the Court of Appeals erred in finding that petitioner is estopped by laches from assailing the trial court's jurisdiction during the execution of judgment.

We deny the Petition.

Jurisdiction over the subject matter of a complaint or "the power to hear and determine cases of the general class to which the proceedings in question belong" is conferred by law, and not by mere consent of the parties.[52] Being conferred by law, the issue of jurisdiction over the subject matter may be raised at any stage of the proceedings, during trial or on appeal, and is not lost by waiver or by estoppel.[53] Lack of jurisdiction over the subject matter is one of the exceptional grounds when the court may dismiss a case at any time, if it appears from the pleadings or evidence on record that this ground exists.[54] More so, a party challenging a court's lack of jurisdiction is not estopped, where that party does not secure any advantage or the adverse party does not suffer any harm.[55]

To determine whether a court has jurisdiction over the subject matter, the material allegations of the complaint must be examined, along with the relief sought by the party, and the law in force at

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[51] *Id.* at 224.

[52] *Villagracia v. Fifth (5th) Shari'a District Court*, 734 Phil. 239, 251 (2014) [Per J. Leonen, Third Division].

[53] *Bernardo v. Heirs of Villegas*, 629 Phil. 450 (2010) [Per J. Perez, Second Division]; *Romago, Inc. v. Siemens Building*, 617 Phil. 875 (2009) [Per J. Nachura, Third Division]; *Figueroa v. People of the Philippines*, 580 Phil. 58 (2008) [Per J. Nachura, Third Division].

[54] *Spouses Rebamonte v. Spouses Lucero*, G.R. No. 237812, October 2, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65796> [Per J. Caguioa, Second Division]; *Bernardo v. Heirs of Villegas*, 629 Phil. 450 (2010) [Per J. Perez, Second Division].

[55] *Figueroa v. People of the Philippines*, 580 Phil. 58, 76 (2008) [Per J. Nachura, Third Division].

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the commencement of the action.[56] Courts must apply the law on jurisdiction in relation to the allegations of ultimate facts in the complaint, regardless of whether the party is entitled to recover upon some or all of the claims asserted in the complaint.[57]

Under Republic Act No. 7691,[58] Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts have exclusive original jurisdiction over cases of forcible entry and unlawful detainer, and "in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (₱20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (₱50,000.00)[.]"[59]

On the other hand, the Regional Trial Courts exercise exclusive original jurisdiction in all civil actions where the subject of the litigation is incapable of pecuniary estimation, and those "which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (₱20,000.00) or for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (₱50,000.00)."[60]

There are three kinds of action to recover possession of real property: (1) an action for ejectment, either for unlawful detainer or forcible entry, when the dispossession lasted for not more than

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[56] *Berbano v. Heirs of Tapulao*, G.R. No. 227482, July 1, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65526> [Per J. Lazaro-Javier, Second Division]; *Villagracia v. Fifth (5th) Shari'a District Court*, 734 Phil. 239 (2014) [Per J. Leonen, Third Division]; *Regalado v. dela Pena*, 822 Phil. 705 (2017) [Per J. Del Castillo, First Division].

[57] *Salvador v. Patricia, Inc.*, 799 Phil. 116, 130 (2016) [Per J. Bersamin, First Division].

[58] An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129 (1994).

[59] Republic Act No. 7691 (1994), sec. 3.

[60] Republic Act No. 7691 (1994), sec. 1.

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a year; (2) *accion publiciana*, a plenary action for recovery of real right of possession, when dispossession lasted for more than one year; and (3) *accion reivindicatoria*, or an action for recovery of ownership.[61]

In the special civil action for ejectment, title to the property is not involved, and jurisdiction is vested with the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts.[62] On the other hand, the assessed value of the real property determines which court has jurisdiction over *accion publiciana* and *accion reivindicatoria*.[63] Similarly, an action for quieting of title involves the issue of ownership or possession of real property, or any interest in real property, and the determination of the court which has exclusive original jurisdiction over this action depends on the assessed value of the real property.[64] For injunction, the Regional Trial Court has jurisdiction over such cause of action, because its subject is incapable of pecuniary estimation.[65]

Here, respondent filed an Amended Complaint for "Ejectment, Quieting of Title and Damages with Prayer for Preliminary Mandatory Injunction and Temporary Restraining Order" before the Regional Trial Court on April 20, 1998. The Amended Complaint states:

> 2. That plaintiff Pacita C. Bautista is the registered owner and occupant of the following described parcels of land situated at Cabaruan, Cauayan, Isabela, and which may be more particularly described as follows:

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[61] *Regalado v. dela Pena*, 822 Phil. 705 (2017) [Per J. Del Castillo, First Division].

[62] *Philippine Long Distance Telephone Company v. Citi Appliance M.C. Corp.*, G.R. No. 214546, October 9, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66296> [Per J. Leonen, Third Division].

[63] *Regalado v. Dela Pena*, 822 Phil. 705, 714 (2017) [Per J. Del Castillo, First Division].

[64] *Salvador v. Patricia, Inc.*, 799 Phil. 116, 130 (2016) [Per J. Bersamin, First Division].

[65] Id. at 130.

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> PARCEL ONE . . . A PARCEL OF COMMERCIAL LAND containing an area of 56,222 square meters, more or less, covered by TRANSFER CERTIFICATE OF TITLE NO. T-143059 of the Register of Deeds of Isabela, declared for taxation under TAX DECLARATION NO. 94-07435;
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> PARCEL TWO . . . CONTAINING an area of 123,778 square meter, more or less, covered by TRANSFER CERTIFICATE OF TITLE NO. T-143060 of the Register of Deeds of Isabela;
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> PARCEL THREE . . . CONTAINING AN AREA OF 7,903 square meters, more or less, covered by TRANSFER CERTIFICATE OF TITLE NO. T-143058 of the Register of Deeds of Isabela;
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> PARCEL FOUR . . . CONTAINING an area of 2,193 square meters, more or less, covered by TRANSFER CERTIFICATE OF TITLE NO. T-143061 of the Register of Deeds of Isabela.

which are the plaintiff, Pacita C. Bautista's paraphernal properties, copies of the corresponding Transfer Certificate of Title No. which are herewith attached as Annexes "A", "B", "C", and "D".

3. That plaintiff Pacita C. Bautista is in physical possession and dominion of all of the above described four (4) parcels of land continuously and adversely in the concept of owner, some for more than forty (40) years and even had a portion, thereof, leased to Caltex, Philippines, for twenty (20) years, which leased had already expired, had the frontage of the parcel adjacent to the National Highway fenced with concrete hollow blocks and installed a steel gate with that prohibition written in bold letters on the steel gate: "NO TRESPASSING PRIVATE PROPERTY";

4. That, unfortunately, on January 10, 1997, without prior notice nor permission from the plaintiff Pacita C. Bautista, and in utter disregard, defiance and violation of the prohibition of "NO TRESPASSING" placed by said plaintiff on her steel gate installed on the properties in question, the defendants, confederating and helping one another, thru stealth and strategy, surreptitiously, clandestinely and unlawfully entered the properties of the aforesaid plaintiff and put-up a barbed wire perimeter fence by placing it on top of the hollow blocks fence of said plaintiff and proceeded to retrace the "NO TRESPASSING" prohibition placed by said plaintiff with white paint and adding the words "Collantes and Lagundi property," on the steel gate, fence and standing walls of the plaintiff, to deceptively make it appear that they own the property in question to the great damage and prejudice of said plaintiff; that several days thereafter, said defendants maliciously and feloniously dumped on the property in question about five (5) truckloads of gravel with the intention of putting up a structure thereon;

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5. That sometime on December 3, 1997, defendants maliciously and unlawfully registered with Register of Deeds of Isabela, adverse claim on the three (3) other titles of the said plaintiff, namely, TCT T-143060, T-143058 and T-143061 aside from T-143059 which was the subject of the original complaint, with the obvious intention to harass the said plaintiff, hence, there is a need to further amend the complaint to include the three (3) other titles, if only, to avoid multiplicity of suits;

6. That, under this new scenario of events, said plaintiff seeks to take refuge under the legal benefits of Article 476, Chapter 3 of the New Civil Code of the Philippines under the topic "Quieting of Title" quoted hereunder:

. . . .

7. That defendants have shown positive designs of encroaching into and taking the law into their own hands in forcibly taking possession of the lands in question, hence, all these things being done by the defendants against and prejudicial to the said plaintiff, have cast a cloud on the titles of the said plaintiff on the lands in question, which justice demands must be removed and quieted;

8. That despite conciliatory steps taken by the plaintiff with the Barangay Lupon of Cabaruan, Cauayan, Isabela, no amicable settlement had been reached, as per Barangay Certification herewith attached as Annex "E";

9. That, by reason of the afore-mentioned unlawful acts of the defendants, said plaintiff has no other immediate and adequate remedy in law other than to ask that the said unlawful acts of the defendants be restrained and enjoined forthwith from committing further acts of dispossession against the plaintiff[.][66]

Although the caption includes ejectment, the Amended Complaint was filed on April 20, 1998, more than a year after the dispossession on January 10, 1997. Thus, the Amended Complaint can only be either *accion publiciana* or *accion reivindicatoria*, and an action for quieting of title, where jurisdiction will depend on the assessed value of the real property.[67] However, the Amended Complaint here did not indicate the assessed value of the real properties involved.

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[66] *Rollo*, pp. 53-56.

[67] *Salvador v. Patricia, Inc.*, 799 Phil. 116, 131 (2016) [Per J. Bersamin, First Division].

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In *Salvador v. Patricia, Inc.*,[68] the Regional Trial Court could not proceed with the case and render judgment for lack of jurisdiction, since petitioners' complaint did not aver the assessed value of the property, and there was no basis to determine which court had jurisdiction over the cause of action for quieting of title.

Similarly, in *Regalado v. Dela Pena*,[69] it could not be determined which court had exclusive original jurisdiction over respondents' action as the assessed value of the properties was likewise not alleged in the complaint. This Court ruled that the Regional Trial Court had no jurisdiction because courts cannot simply take judicial notice of the assessed value or market value of a land, and jurisdiction cannot be presumed or conferred on the court's erroneous belief that it had jurisdiction over a case.[70]

In this case, petitioner is correct in saying that the Regional Trial Court had no jurisdiction over the subject matter of the case, not for the reason she invokes, but because the assessed value of the real properties involved was not averred.

Even so, petitioner is estopped by laches from assailing the Regional Trial Court's lack of jurisdiction.

Based on equity, estoppel by laches bars a party from invoking the court's lack of jurisdiction over the subject matter when there is "failure or neglect, for an unreasonable and unexplained length of time, to do that which, by the exercising due diligence, could or should have been done earlier,"[71] or in cases of similar factual circumstances as *Tijam v. Sibonghanoy*:[72]

> A party may be estopped or barred from raising a question in different ways and for different reasons. Thus, we speak of estoppel *in pais*, of estoppel by deed or by record, and of estoppel by *laches*.

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[68] Id. at 132.

[69] 822 Phil. 705 (2017) [Per J. Del Castillo, First Division].

[70] Id. at 717.

[71] *Figueroa v. People of the Philippines*, 580 Phil. 58, 68 (2008) [Per J. Nachura, Third Division]; 131 Phil. 556 (1968) [Per J. Dizon, En Banc].

[72] 131 Phil. 556 (1968) [Per J. Dizon, En Banc].

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Laches, in a general sense, is failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it.

The doctrine of laches or of "stale demands" is based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and, unlike the statute of limitations, is not a mere question of time but is principally a question of the inequity or unfairness of permitting a right or claim to be enforced or asserted.

It has been held that a party cannot invoke the jurisdiction of a court to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction (*Dean v. Dean*, 136 Or. 694, 86 A.L.R. 79). In the case just cited, by way of explaining the rule, it was further said that the question whether the court had jurisdiction either of the subject-matter of the action or of the parties was not important in such cases because the party is barred from such conduct *not because the judgment or order of the court is valid and conclusive as an adjudication, but for the reason that such a practice cannot be tolerated* — obviously for reasons of public policy.

Furthermore, it has also been held that after voluntarily submitting a cause and encountering an adverse decision on the merits, it is too late for the loser to question the jurisdiction or power of the court (*Pease v. Rathbun-Jones*, etc., 243 U.S. 273, 61 L. Ed. 715, 37 S. Ct. 283; *St. Louis, etc. v. McBride*, 141 U.S. 127, 35 L. Ed. 659). And in *Littleton v. Burgess*, the Court said that it is not right for a party who has affirmed and invoked the jurisdiction of a court in a particular matter to secure an affirmative relief, to afterwards deny that same jurisdiction to escape a penalty.

Upon this same principle is what We said in the three cases mentioned in the resolution of the Court of Appeals of May 20, 1963 (supra) — to the effect that we frown upon the "undesirable practice" of a party submitting his case for decision and then accepting the judgment, only if favorable, and attacking it for lack of jurisdiction, when adverse — as well as in *Pindañgan, etc. v. Dans, et al.*, G.R. L-14591, September 26, 1962; *Montelibano, et al. v. Bacolod-Murcia Milling Co., Inc.*, G.R. L-15092; *Young Men Labor Union, etc. v. The Court of Industrial Relations, et al.*, G.R. L-20307, Feb. 26, 1965, and *Mejia v. Lucas*, 100 Phil. p. 277.

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The facts of this case show that from the time the Surety became a quasi-party on July 31, 1948, it could have raised the question of the lack of jurisdiction of the Court of First Instance of Cebu to take cognizance of the present action by reason of the sum of money involved which, according to the law then in force, was within the original exclusive jurisdiction of inferior courts. It failed to do so. Instead, at several stages of the proceedings in the court a quo as well as in the Court of Appeals, it invoked the jurisdiction of said courts to obtain affirmative relief and submitted its case for a final adjudication on the merits. It was only after an adverse decision was rendered by the Court of Appeals that it finally woke up to raise the question of jurisdiction. Were We to sanction such conduct on its part, We would in effect be declaring as useless all the proceedings had in the present case since it was commenced on July 19, 1948 and compel the judgment creditors to go up their Calvary once more. The inequity and unfairness of this is not only patent but revolting.[73] (Emphasis in the original)

Figueroa v. People of the Philippines,[74] however, clarified that: "[t]he general rule should, however, be, as it has always been, that the issue of jurisdiction may be raised at any stage of the proceedings, even on appeal, and is not lost by waiver or by estoppel. Estoppel by laches, to bar a litigant from asserting the court's absence or lack of jurisdiction, only supervenes in exceptional cases similar to the factual milieu of *Tijam v. Sibonghanoy*."

In *Romago, Inc. v. Siemens Building*,[75] this Court applied the exception, considering that petitioner actively participated in the proceedings before the arbitrator, yet it was only in its petition for *certiorari* with the Court of Appeals and after a writ of execution had been issued, that petitioner raised the issue of lack of jurisdiction.

In *Bernardo v. Heirs of Villegas*,[76] petitioner was likewise found estopped from questioning the jurisdiction of the Regional Trial Court. There, petitioner actively participated during the trial

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[73] Id. at 563-565.

[74] 580 Phil. 58, 76 (2008) [Per J. Nachura, Third Division].

[75] 617 Phil. 875, 889 (2009) [Per J. Nachura, Third Division].

[76] 629 Phil. 450, 460-461 (2010) [Per J. Perez, Second Division].

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by filing numerous pleadings and adducing evidence, but failed to mention the defect in its jurisdiction. Upon an adverse judgment against petitioner in the trial court, they then raised the nullity of the decision due to the complaint's omission of the assessed value before the Court of Appeals.

In *Far East Bank and Trust Co. v. Chua*,[77] estoppel by laches was also decreed when respondent actively participated in the proceedings before a commission, and assailed the commission's jurisdiction after it ruled against it twice.

Thus, in *Amoguis v. Ballado*,[78] this Court explained:

> In estoppel by laches, a claimant has a right that he or she could otherwise exercise if not for his or her delay in asserting it. This delay in the exercise of the right unjustly misleads the court and the opposing party of its waiver. Thus, to claim it belatedly given the specific circumstances of the case would be unjust. . . . [F]airness and equity must temper the parties' bravado to raise jurisdiction when they have participated in proceedings in the lower courts or when an unfavorable judgment against them has been rendered.[79]

Amoguis then cited cases when this Court considered estoppel by laches, and summarized the circumstances to consider in applying *Tijam*, thus:

> Thus, *Tijam* will only apply when given the circumstances of a case, allowing the belated objection to the jurisdiction of the court will additionally cause irreparable damages, and therefore, injustice to the other party that relied on the forum and the implicit waiver.
>
> In *Tijam*, this Court ruled that long delay in raising lack of jurisdiction is unfair to the party pleading laches because he or she was misled into believing that this defense would no longer be pursued. A delay of 15 years in raising questions on subject matter jurisdiction was appreciated by this Court as estoppel by laches.

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[77] 763 Phil. 289, 310-311 (2015) [Per J. Leonen, Second Division].

[78] G.R. No. 189626, August 20, 2018, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64639> [Per J. Leonen, Third Division].

[79] Id.

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In *Metromedia Times Corporation v. Pastorin*, this Court recognized the unfairness in allowing a party who sought affirmative relief from a tribunal and invoked its jurisdiction to later disavow the same jurisdiction upon passage of an adverse ruling. It ruled that raising lack of jurisdiction over a subject matter a little under a year since a complaint is filed does not amount to laches.

In *Figueroa*, this Court observed the injustice caused to the party pleading laches. Restoration of and reparation towards the party may no longer be accomplished due to the changes in his or her circumstances. Laches, however, was not appreciated as it was a mere four (4) years since trial began that the petitioner in that case raised the issue of jurisdiction on appeal.

In *Bernardo v. Heirs of Villegas*, this Court identified the propensity of litigants who, to exhaust the time and resources of their opponents, will plead lack of jurisdiction only when an unfavorable decision is obtained in order to re-litigate the case. The delay of 10 years in raising jurisdictional issues in that case was appreciated as laches.

In summary, *Tijam* applies to a party claiming lack of subject matter jurisdiction when:

(1) there was a statutory right in favor of the claimant;

(2) the statutory right was not invoked;

(3) an unreasonable length of time lapsed before the claimant raised the issue of jurisdiction;

(4) the claimant actively participated in the case and sought affirmative relief from the court without jurisdiction;

(5) the claimant knew or had constructive knowledge of which forum possesses subject matter jurisdiction;

(6) irreparable damage will be caused to the other party who relied on the forum and the claimant's implicit waiver.[80]

This Court emphasized that the edict in *Tijam* is not an exception to the rule on jurisdiction, but it is a waiver or an estoppel in questioning jurisdiction, when the circumstances in *Tijam* are present.[81] Thus, in ruling that estoppel by laches set

[80] Id.

[81] Id.

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in, *Tijam* held that petitioners did not question the jurisdiction of the Regional Trial Court during trial and on appeal despite the apparent lack of jurisdiction on the face of the complaint. There, petitioners even sought affirmative relief from the Regional Trial Court and actively participated in all stages of the proceedings, and only 22 years after the complaint was filed did they raise without justification the court's lack of jurisdiction.

In *Spouses Rebamonte v. Spouses Lucero*,[82] the exceptional circumstances in *Tijam* were found present when petitioners failed to invoke the ground of lack of jurisdiction for 22 years, without justification, despite having full knowledge of it, and participating in every stage of the proceedings before the courts by filing Answers with affirmative reliefs, Motions for Reconsideration, and Appeal.

Here, petitioner never questioned the Regional Trial Court's jurisdiction during trial or even on appeal before the Court of Appeals. Petitioner filed her Answer and Amended Answer seeking affirmative reliefs, actively participated during trial, filed an appeal before the Court of Appeals, and stayed silent on this issue. For failing to file the appeal on time, this Court thereafter declared the Regional Trial Court's decision final and executory. A writ of execution was then issued and implemented. It was only during the execution of the judgment, or after the lapse of 12 years from the filing of the Amended Complaint that petitioner challenged the jurisdiction of the Regional Trial Court. There was no justification offered for such belated action. Petitioner neither invoked her right nor exhausted the available legal remedies during the pendency of the case. To allow petitioner to question the jurisdiction of a court after seeking affirmative reliefs, actively participating in its proceedings, and only after the decision against her was rendered final and already implemented, would be the height of unfairness, inequity, and injustice to respondents — the evils which the doctrine of estoppel by laches precisely seeks to prevent.

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[82] G.R. No. 237812, October 2, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65796> [Per J. Caguioa, Second Division].

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WHEREFORE, the Petition is **DENIED**. The November 15, 2012 Decision and May 3, 2013 Resolution of the Court of Appeals in CA-G.R. SP No. 114274 are **AFFIRMED**.

SO ORDERED.

Carandang, Zalameda, Rosario, and *J. Lopez,*[*] *JJ.*, concur.

APPEARANCES OF COUNSEL

Gacayan Paredes Agmata & Associates Law Offices for petitioner.

Sable Velasco Aggalot & Associates for respondents.

[*] Designated additional Member per Special Order No. 2834 dated July 15, 2021.